

WANT THEIR DEPOSITIONS

**Attorneys for Collins Want
Daniels on the Witness
Stand.**

SKIRMISH MADE ON THE DEMURRER.

Former District Attorney Charles E. Snook made a strenuous effort this morning to force a conclusion on the demurrer interposed by the defendants in the suit brought by D. Edward Collins, the banker, against the Enquirer Publishing Company, George C. Pardee, H. P. Dalton, G. B. Daniels and others. He said the plaintiffs had been granted ten days' time to file a brief, and then were given another extension of ten days which had expired some time ago. He thought the question of the demurrer ought to be passed upon without further delay.

J. D. Richardson, of counsel for Mr. Collins, said that the pressure of other business and the time taken up with other proceedings in the case had interfered with compiling the brief, and he therefore asked for a two weeks' extension of time.

Judge Ogden said the court wanted the aid of attorneys in hunting up authorities, but if they failed to give it the court must look them up itself. As it would take him a week to examine the authorities he was disposed to continue the matter of the demurrer for one week.

Mr. Snook objected. He thought it unfair that his clients should be kept hanging up in the Superior Court while they were being harassed by proceedings in relation to depositions.

Judge Ogden said the court had nothing to do with the taking of depositions, and no jurisdiction over such proceedings. The court could not concern itself with what took place elsewhere, and he repeated that he would continue the case for one week because he desired a week's time to examine the authorities, and in spite of Mr. Snook's protest he did so.

Probably a reason for the insistence on an immediate adjudication of the demurrer is suggested by the filing of a notice by Mr. Collins' attorneys with Justice of the Peace Stetson that depositions of the defendants would be taken on Wednesday, the 27th instant, and set for taking depositions in accordance with the notice. It is possible that Mr. Snook wanted a ruling on his demurrer prior to that date.

Having the depositions taken by a Justice is a new move of the plaintiff. While the depositions were being taken before Court Commissioner Babcock defendants refused to answer certain questions and defied the order of the Commissioner to produce the books of the Enquirer Publishing Company. A citation for contempt was dismissed by Judge Ogden. Then Commissioner Babcock adjudged Mr. Daniels to be in contempt and issued a warrant for his arrest.

Sheriff Rogers, on the advice of District Attorney Allen, refused to serve the warrant. Since then taking depositions and all other proceedings before Commissioner Babcock have been suspended because the defendants decline to pay any attention to notices to appear and testify.

Now Henry Ach and J. E. Richardson, attorneys for plaintiff, have determined upon another tack, as the notice in Justice Stetson's court shows. Mr. Snook of counsel for the defense says a Justice of the Peace has no more power in taking depositions than a notary or a Court Commissioner. He contends that they all derive their authority from the same section of the Code, and that the title of the officer does not alter the character of his function in the proceeding. From this it may be inferred that the defendants will do as pleases them with respect to testifying before Justice Stetson.

Mr. Collins, Attorney Ach made a cursory examination of the Enquirer books yesterday afternoon. His researches were directed by memoranda relating to certain transactions, which are the subject of dispute.

DEATH OF W. H. GELSHENEN.
NEW YORK, March 21.—William H. Gelshenen, President of the Garfield National Bank, died today. He was Vice-President of the American Ice Company and a director of the City Trust Company.

THREATENED WITH DEATH.
ST. PETERSBURG, March 21.—Since the rioting on Sunday, the Minister of the Interior, M. Sipiaguine, has received letters threatening him with death.

DELANEY HAS NO FAITH IN FITZ.

Does Not Believe He Intends to Meet the Champion.

"I have not heard a thing new," said Billy Delaney, manager for Jeffries, when asked this morning for the latest news regarding the hitch in the Jeffries-Fitzsimmons fight.

"From the action taken by the Board of Supervisors in San Francisco yesterday awarding the April permit to the Yosemite Club I judge that the 'Prison' people have given up all hope of getting the fight and have made up their minds to drop it and go along with other contests just as if such an important affair as the heavy-weight championship battle of the world was not in sight, and I guess they are right."

TAKEN TO THE MORGUE

**San Francisco Man Lives
to Tell a Thrilling
Tale.**

HE WAS TAKEN FOR A CORPSE.

SAN FRANCISCO, March 21.—It is given to few men to ride inside the city's Morgue wagon and live to tell of it, yet such was the hair-raising experience of Sailor Karl Humburg.

Humburg is now convinced that he is alive, but for a short time this morning he was in a terrible state of uncertainty. Some longshoremen at Fremont street wharf noticed a body floating in the water this morning. One of them ran to the nearest telephone and notified the Coroner's office, while the others pulled the supposed corpse from the water. To all appearances the man was dead and lay inert until the Morgue wagon arrived.

A brief examination convinced the experienced Coroner's deputies that the man taken from the bay was still alive. There was a chance that he might be saved if given prompt medical attention. There was no time to lose, so the Morgue men bundled the "corpse" into the dead wagon and hurried for the Harbor Hospital.

As the vehicle rattled over the pavements Humburg regained consciousness. It was pretty dark in the wagon, but he saw enough and felt enough to convince him that he was in a place where no living man would care to be. He thought he was in a hearse and on the road to a graveyard.

Screams of alarm and kicks against the side of the wagon were ignored by the drivers until the hospital was reached. By that time Humburg was in reality near death from a combination of fright and salt water and it took Dr. Miller an hour to get him out of danger.

The sailor doesn't know how he came to fall into the bay nor why he was treated to a ride in the wagon reserved for the dead.

STACGER FOR DEFENSE

Stockton Murder Case is Going Against the Defendant.

STOCKTON, Cal., March 21.—The defense received a staggering blow today in the trial of George Gribble, charged with the murder of Lena Young. The theory of the defense was that acute alcoholic poisoning caused the woman's death, the wounds upon the woman's body were accounted for on the theory that she received them while springing out of bed several times in a hysterical condition, and that they were not fatal. On being recalled by the defense today, Dr. Snediger, one of the attorney surgeons, declared that while the internal and external wounds were not the immediate cause of death they were necessarily fatal, death being hastened by asphyxiation caused by strangulation.

**CHILDREN ARE
NEARLY BURNED**

BERKELEY, Mar. 21.—Four little children and a servant girl came within an ace of being burned to death here this morning. As it was, the domestic was badly burned.

Miss Winifred Campbell was in charge of the home of Hugh McDonald at 2521 Grant street. Mr. and Mrs. McDonald were to San Francisco this morning and left their children in charge of the girl.

Miss Campbell tried to light a gasoline stove, when there was an explosion. The flames scattered in all directions and the house was soon a total wreck.

In the moon the Miss Campbell succeeded in dragging the four children from the house. The damage is large.

**THERE WILL BE A
RUSH AT BERKELEY.**

Boys are Preparing for a Big Time On the Campus This Evening.

BERKELEY, Cal., March 21.—Despite the fact that there is a faculty edict against "Rushing" male students of the University of California, the classes of the University of California are preparing for a struggle on the campus tonight. The representatives of the first year of the university, the old custom of planting their class number on the hill back of the college buildings. A conflict will occur when the Sophomores make an attempt to remove the number and substitute their own.

I had hopes of another contest between Fitz and Jeff, and the question of supremacy decided to the satisfaction of Fitzsimmons and the public, but now all hope is gone with me. I never had a doubt in regard to Fitzsimmons' appreciation of Jeffries' abilities. I knew all along that Fitz regarded Jeff as his master in a twenty-four foot square, but I thought his love for money would induce him to face the big fellow again, and got all he could out of the battle. Fitz is looking for advertisement, not fight. He is up to some dodge to keep his name before the public and I told Jeff so in New York when we met the first time. Mark my words, he will banter with this thing and toy with it as long as the public will stand for it and in the end there will be no fight.

"I don't believe the Los Angeles club will allow him to pick out spots in their bid, but even if they do so he will find some other technical excuse to tantalize and harass them until they give up in disgust. He has already invited them to withdraw their bid, which proves how anxious he is to die champion."

JOSE BERNAL DROPS DEAD.

**He Was One of the Oldest
Residents of Alameda
County.**

WAS BORN HERE FIFTY-TWO YEARS AGO.

PLACASANTON, Mar. 21.—Jose Reyes Bernal, one of the old Spanish family of that name, who have been identified with the history of Pleasanton and Alameda county since the time of Spanish rule in California, died suddenly at 9 o'clock this morning of heart disease, from which he had long been a sufferer.

Mr. Bernal had just eaten his breakfast and was leaving his room when he fell. A physician was hastily summoned, but the unfortunate man was dead when he arrived.

Some time ago the deceased had both his legs amputated to escape blood poisoning and it was feared at that time that he could not undergo the operation, owing to the weakness of his heart. Since then he has had a number of attacks.

The deceased was a native of California, having been born near Pleasanton 52 years ago. His parents were immensely wealthy, owning many thousands of acres and vast herds of cattle, and Jose at one time was considered one of the wealthiest men in this portion of the country. Like all the old Spanish families, however, his wealth diminished and his health decreased. At the time of his death he was merely in comfortable circumstances.

Mr. Bernal and his wife were divorced several years ago. Besides the widow he leaves two grown children.

The death has been reported to the Coroner and an inquest will be held.

FOUND NOT GUILTY.

Jury in the Murder Case of Stewart Fife Finds for the Defendant.

ST. JOSEPH, Mo., March 21.—A special to the Daily News from Savannah, Mo., says:

When court opened this morning, the jury in the case of Stewart Fife, charged with the murder of Frank W. Richardson at the home of the victim on Christmas eve, 1900, returned a verdict of acquittal.

MADE THE CONDUCTOR PAY ALIMONY

Mr. Case Finds it Hard to Support Two Families.

The case of Conductor Case of the Webster street broad gauge train of the Southern Pacific road to pay his wife, Mary Case, alimony, came up before Judge Ogden in the Superior Court this morning.

Case, it was alleged, was \$110 in arrears. The alimony allowed the plaintiff when she was divorced was \$25 a month. For twelve months Case paid, however, only \$20 a month, leaving \$60 in arrears. During the last two months Case paid no alimony at all, making the total arrears \$110.

When the case was last up before the court, the judge refused to continue it unless at least \$50 was deposited in the court.

Case's attorney announced that the defendant wanted to have the alimony reduced to \$15 a month. He said that while he was married to the plaintiff he was earning as a brakeman and special conductor sometimes as much as \$100 a month. Now, however, he could earn only \$44 a month, because of an act committed by him which prevented him from ever acting as a special conductor, except in an emergency, and then only for a day at a time. When a special conductor was required now for a long period, that conductor had to be taken from a freight train.

SCHLEY CASE IS ENDED AT LAST.

House Committee on Naval Affairs Throws Out the Issue.

WASHINGTON, March 21.—The House Committee on Naval Affairs, by a vote of 7 to 4, today adopted a resolution concurring in the conclusions of President Roosevelt as to terminating the agitation of the Schley controversy and indefinitely postponing all bills and resolutions on the subject. The report of the Sub-Committee as adopted gives all the various resolutions which have been introduced and says:

"Your sub-committee, to whom the several bills and resolutions introduced in the House in relation to Rear Admiral Winfield Scott Schley has had the same under consideration and has reached the following report thereon:

LORD HOPE DIVORCED.

**Tells the Court About the
Misconduct of May
Yohe.**

AFFIDAVITS ARE READ BY THE JUDGE.

LONDON, March 21.—Lord Francis Hope was granted a divorce today on the ground of the misconduct of his wife (May Yohe) with Putnam Bradlee Strong of New York.

Counsel for Lord Hope lengthily detailed the marriage of his client to May Yohe, their visit to the United States in 1900, the meeting with Strong and the subsequent intimacy of the respondent and co-respondent, ending with their departure for Japan under the name of Mr. and Mrs. J. P. Smith.

Lord Hope, who is still suffering from the amputation of his leg, corroborated counsel's statements. He said he had no suspicion whatever of his wife when he left her alone in a flat in New York. He first noticed a change in her behavior at the end of March, 1901, and in April his wife insisted on a separation.

Affidavits in proof of the misconduct of Lady Hope were read, and the decree with costs was pronounced.

OFFICIALS INDICTED

They Collected Assessments in Kentucky for Political Purposes.

LOUISVILLE, Ky., Mar. 21.—Indictments against former Internal Revenue Collector Charles Sapp, Leonard Harrison, assignment clerk under Collector Sapp, and Joseph Pottinger were returned by the Federal Grand Jury and made public today. Each was fixed at \$5,000 by Judge Evans.

The first indictment alleges that on November 5, 1899, Sapp, Harrison and Pottinger unlawfully conspired to solicit and receive assessments and contributions for political purposes to wit: To aid and abet the election of certain candidates for public offices on the Republican ticket in Jefferson county.

Case also stated that he had re-married since his divorce. He was living in a house which belonged to his second wife's father. He testified further that he did not have any property or any money save that which he had paid into court. His former wife, he said, was supported by her father and uncle.

Mrs. Case took the stand and testified that she could not get along with less than \$25 a month because \$10 of the amount was given to her father for the care of her son. At the same time she worked and earned something on her own account. She said that Case had agreed to pay doctor's bills for her, but he had failed to do so. It was not true that her ex-husband had frequently received \$100 a month. It rarely went above \$80, and was more frequently only \$75 a month.

Case's attorney said that Case had been forced to pay money into the court. This was done by Attorney Nusbaum, who said that Greeley, Case's lawyer, had agreed that the defendant had to do something to comply with the alimony order of the court.

Judge Ogden said that the money had been paid into the court for that purpose and that he would allow it to be used in supplying the alimony in default.

Creely objected to this, claiming it was in injustice to the defendant, because it deprived him of all he had, when half of his money only could be subject to attachment.

Judge Ogden delivered a homily on the manner in which, after they had exhausted themselves in devotion to their husbands, they could be deserted by their spouses and given no better standing than that of a common creditor. He then refused to reduce the alimony and ordered the money on deposit to be paid to Mrs. Case, but at the same time he allowed five days for an appeal to the higher court.

SLEPT WITH PISTOLS.

PITTSBURGH, March 21.—Harry J. Anderson alleged to be one of the most desperate and notorious safe crackers and Postoffice burglars in the United States, was brought to the Allegheny County Jail this morning from Johnstown, Pa., where he was arrested last night by Postoffice Inspector Ellisworth.

Anderson had a pair of revolvers in bed with him, but was given no opportunity to use them. Anderson is wanted in Ohio for postoffice robberies at Columbus and various other cities. He will be taken to Columbus, Ohio.

WANTS INTERVENTION

Senator Teller's Resolution is Sent to Committee on Foreign Affairs.

WASHINGTON, March 21.—Soon after the Senate convened today Mr. Teller of Colorado presented resolutions of the Colorado Legislature providing for the intervention by an offer of its good offices of the United States Government to terminate the contest between the British and the Boers. The resolutions were reported to the Committee on Foreign Relations.

MASTEN PROPERTY.

**Big Deal Made in San
Francisco Real Estate
Today.**

ELYSIUM BUILDING HAS BEEN SOLD.

SAN FRANCISCO, March 21.—Another very large and important sale of local real estate is just announced, making one more big transaction to swell the list of those recently closed.

The executors of the estate of the late N. K. Masten have just disposed of the premises on the north side of Geary street, 62 1/2 feet east of Jones street, having a frontage of 75 feet and a depth of 77 1/2 feet.

This lot is covered by the fine new apartment house known as "The Elysium," built a little over a year ago by A. Aronson. Mr. Aronson purchased the lot eighteen months ago and paid what was then considered a good price for it, but he made considerable money when he sold it to the late N. K. Masten. The Masten estate also realizes a heavy advance in selling at this time for the sum of \$140,000.

The sale was made through the real estate firm of Wright & Hall. The brokers withheld the name of the new purchaser for the present.

The "Elysium" building is six stories in height, constructed of brick and other substantial materials. It was the first of a number of fine structures which have lately been erected or are now under construction in that portion of the city.

The executors of the Suro estate have made application to Judge Coffey to continue the sale of the property lying in the Bayfield tract to the Lipman syndicate for \$300,000 in case the bid is not raised at the time of the hearing. The matter will be taken up in court on March 23.

[The Mastens lived on Jackson street in this city at one time.]

MILES ON THE TOBOGGAN.

President Has Made Up His Mind to Let Commander Out.

WASHINGTON, March 21.—The statements made yesterday by General Miles before the Senate Committee on Military Affairs were discussed by the President today with a number of his callers.

There is little doubt that these statements will ultimately lead to General Miles' retirement by the President.

In discussing the matter today with his callers, among whom were Senators and Representatives, the President took the position that the Lieutenant-General should entertain toward his superiors the same respect that he would expect and demand from his subordinates.

CHANCE FOR OUR GOODS.

Tobaccoists Will Not Sign Agreement Not to Patronize Americans.

LONDON, March 21.—At a meeting of the Edinburgh Association of Retail Tobaccoists today, a resolution was adopted unanimously declining to sign the Imperial Tobacco Company's agreement not to sell American goods for a term of years, and expressing willingness if the minimum price is raised so as to allow a fair profit to dealers to do what is possible, bonus or no bonus, for the sale of British goods.

HANGMAN TO JAIL

HULL, Quebec, March 21.—Stanislaus La Croix, who murdered his wife and an old man named Thomas, who was endeavoring to protect her, was hanged in the jail yard here this morning.

Contrary to expectations, La Croix made no statement. He said last night he was perfectly happy. Radcliff, the hangman, who was mobbed yesterday for saying La Croix would not be the last Frenchman he would hang, occupied a cell adjoining La Croix all night.

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PRISONERS WERE SHOT.

**American Officers on
Trial for Killing Eleven
Filipinos in Samar.**

INSANITY CHARGE IS WITHDRAWN.

MANILA, March 21.—The court-martial appointed to try Major Littleton W. A. Waller and Lieutenant John D. Day, of the Marine Corps, on the charge of executing natives on the Island of Samar without trial, after receiving a communication from General Chaffee today decided that it had jurisdiction in the case and proceeded to try the accused officers.

Major Waller pleaded not guilty to the charge, but admitted that eleven men had been killed.

Captain Marion of the Marine Corps, Marine Corps, testified he had received information from Lieutenant Geibely regarding the arrival at Cargado of prisoners who, while on the march across the Island, ate roots and parts of plants and refused to assist the marines by giving them similar food. He reported the facts to Major Waller, who was lying on a cot, and who ordered Lieutenant Day to take the prisoners and have them shot.

The witness said that Major Waller was not excited and had personally ordered that the men should be shot.

Captain Marion of the Marine Corps, presenting Major Waller, objected to the testimony of Dr. Lovedidge as to the sanity of Major Waller at the same time, claiming that the fitness for duty was a matter for the defense only. He conceded that Major Waller gave orders while in his right senses.

STEBBENS IS DYING.

SAN FRANCISCO, March 21.—Rev. Horatio Stebbens, who for over 35 years was pastor of the First Unitarian Church of this city and one of the foremost divines of the West, is close to death at the home of his son, Horatio Stebbens Jr., at Cambridge, Massachusetts. For many months, the death of the distinguished preacher has been expected by his friends here.

NO MATCH FOR BRITT.

SAN FRANCISCO, Mar. 21.—Jimmy Britt will not have a chance just now to prove whether he is made of championship material by measuring punches with Terry McGovern. Britt's managers wired to McGovern's headquarters in the East that the local boy is anxious to fight and that a match could be arranged. An answer received yesterday stated that Terry is engaged theatrically and must decline all offers to fight for several months. The telegram suggests Willie Fitzgerald, an Eastern featherweight who has suddenly sprung into prominence, as an opponent for Britt. As Fitzgerald is a featherweight, however, and Jimmy cannot get down to the featherweight limit, the offer had to be declined.

SAVINGS ON BEST Groceries

SOUPS, 1 lb. Tins, assorted, 60c doz.

Prunes, large and sweet, \$2.75 a 100 lbs

Rolled Oats, \$2.75 a sack

Rolled Wheat, \$1.75 a sack

Pink Beans, \$2.50 a 100 lbs

Table Fruit Pears, Peaches, Apricots, \$2.50 a case of 2 doz

Vinegar, 15c a gallon

Tomatoes, 90c a doz

Sugar, dry granulated, cane, \$4.25 a sack

—AT—
MAX C.

Schulze's
911-913
WASHINGTON ST.

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FITZ OUT OF FIGHT.

**Los Angeles Club Has
Given Up Hope of Secur-
ing the Cornishman.**

WILL HAVE NO MORE DEALINGS WITH HIM.

LOS ANGELES, March 21.—It now looks as though negotiations between the Century Athletic Club and Fitzsimmons are off. The club is seeking another man to take his place and has ceased to consider the Cornishman as a probability. In line with this decision, a message was sent this afternoon to Tom Sharkey with the view of matching him against Champion Jeffries for a fight to take place in this city about May 10th. Jeffries is anxious to fight and has all along been ready to accept the offers made by the Century Club for the match with Fitzsimmons.

The negotiations of yesterday, in which Fitzsimmons delivered his final demand for 75 per cent of the gate and a \$25,000 guarantee, determined the club officials to drop him. Thomas McCary, President of the Century Club, said today: "We are tired of this fooling and can't afford to dicker with Fitzsimmons any longer. Our offer of a \$25,000 cash guarantee is the best ever made to a defeated fighter to meet his victor a second time. How foolish we would be to bid against our own proposition when there are no competitors in the field. Fitzsimmons arrogates to himself the right to dictate unreasonable terms and we won't stand for it. There is only one conclusion to be drawn and that is, that he does not want to fight Jeffries at all. Jeffries wants a match and we have to send for Sharkey, believing him to be the only other available man. If he comes to terms with us, we shall go right on and make preparations for a fight in the first week of May."

CECIL RHODES IMPROVED.
CAPE TOWN, March 21.—Cecil Rhodes continued today.

SMOKED GLASSES
Your eyes may not be in a condition to make the use of glasses a necessity. Many cases they can be relieved by use of smoked glasses.

RETFO LENSES
FACTORY-OWNERS
LA BERETTA OPTIC

456 Thirteenth Street, Oakland
991 Market St., San Francisco
526 K St., Sacramento
115 East Main St., Stockton
Spectacles and eye glasses repaired while you wait.

FOR SALE
\$3200
573 Thirty-Fourth St.
New 2 story house of 6 feet above street, terrace, between Terrace and Grove st.; large lot; porches, complete set of shades, gas fixtures, in fact, a perfect home terms part cash.

**DEVELOPING
AND
PRINTING**

CHAS. H. WOOD
OPTICIAN
Refracting and Manufacturing
Cameras and Photo Supplies.
1153 Washington Street
Look for "The Winking Eye."

J. S. MY
1002 Broadway, C.

Let us do your

THE

exodus

to the country will soon begin. You cannot leave them at your heels, your jewelry, and your valuable property—and you cannot leave them at your heels protected.

But you can place them where they are absolutely from fire and burglars. For four dollars you can own for a whole year an individual safe in our strongest and most convenient Safe Deposit Vaults.

Oakland Bank of Savings

BROADWAY AND TWELFTH STREETS

AUTHORIZED CAPITAL.....\$1,000,000.00
CAPITAL PAID IN..... 480,000.00
RESERVE FUND..... 174,612.44
DEPOSITS, JAN. 1, 1902..... 7,809,429.74

ISAAC L. REQUA, President W. W. GARTHWAITHE, Cashier
HENRY ROGERS, Vice-President E. C. HAAS, Assistant Cashier

\$8500

Elegant Home on Duran

Tomorrow Positively THE LAST DAY
of our attraction sale. We have sold thousands of pairs of good shoes at less than half price. Tomorrow (Saturday) we wind up — next week's announcement will tell about our new shoes for Easter.

A Few Parting Shots:

Ladies' \$2.50 Patent leather ties, French heels; velvet and cloth tops. \$1.50
Ladies' French kid ties; hand-turned soles; worth \$2.50. at \$1.45
Ladies' Dongola Button Shoes, cloth top; coin toe. 95c
25 pr. Men's Calf and Vici kid lace shoes; coin or French toes; worth \$2.50. at \$1.45
But these Prices end at the close of Business Saturday Night

J. SIMON,
TRUSTEE SHOE STORE,
WASHINGTON STREET.

CONDON RESIGNS

Compliments the City Attorney for Being a Brave Officer.

Assistant District Attorney Seymour W. Condon today formally tendered his resignation to City Attorney Johnson. It is as follows:

"I herewith tender my resignation as Assistant City Attorney, to take effect March 31, 1902.

"The resignation was accompanied by the following letter:

"In presenting the above resignation I am deeply sensible of the uniform kindness shown me by my Chief and am unwilling to sever my official relations with him without expressing my appreciation of his moral courage and independence of character as a public official and my admiration of him as a courteous and warm hearted chief."

In accepting Condon's resignation City Attorney Johnson wrote as follows:

"My Dear Mr. Condon: I have your resignation handed by you to me today and accept it with much regret. Your services rendered in this office as Assistant City Attorney have in all things been in the highest degree efficient and satisfactory, and I should be more than pleased to have you remain with me in your present official position so long as you may desire to do so at the head of the legal department of the government of this city.

"In severing your connection with this office, I want you to know that you carry away with you the assurance of my high respect and warm friendship, and I hope the future may have in store for you and your family the blessings of long, prosperous and happy lives. Sincerely yours, J. H. Johnson."

Condon will leave soon after his retirement to his future home near Eugene, Ore. He will be succeeded by Harold M. Gilbert, son of the late J. West Martin, who will take his office April 1.

NOON DAY CONCERT

WAS A GREAT SUCCESS.

BERKELEY, Mar. 21.—The Associated Women Students today rendered a fine program at their noonday concert at Hearst Hall. The hall was very tastefully decorated and a large audience listened to the music.

The program was as follows:

(a) "Call Me Thine Own".....Dr. Henry C. Meyers
(b) Serenade.....Bertoni
(c) "The Nightingale".....Bertoni
(d) "The Nightingale".....Bertoni
(e) "The Nightingale".....Bertoni
(f) "The Nightingale".....Bertoni
(g) "The Nightingale".....Bertoni
(h) "The Nightingale".....Bertoni
(i) "The Nightingale".....Bertoni
(j) "The Nightingale".....Bertoni
(k) "The Nightingale".....Bertoni
(l) "The Nightingale".....Bertoni
(m) "The Nightingale".....Bertoni
(n) "The Nightingale".....Bertoni
(o) "The Nightingale".....Bertoni
(p) "The Nightingale".....Bertoni
(q) "The Nightingale".....Bertoni
(r) "The Nightingale".....Bertoni
(s) "The Nightingale".....Bertoni
(t) "The Nightingale".....Bertoni
(u) "The Nightingale".....Bertoni
(v) "The Nightingale".....Bertoni
(w) "The Nightingale".....Bertoni
(x) "The Nightingale".....Bertoni
(y) "The Nightingale".....Bertoni
(z) "The Nightingale".....Bertoni

GIVEN FOUR MONTHS.

Irving Prater, who claims to have been recently come from New York, and who was arrested for annoying the women of West Oakland by his offensive conduct, was sentenced to serve four months in the City Prison.

DIVISION ORDERED

OF BACON ESTATE.

This morning Judge Ellsworth granted a final decree of distribution of the estate of the late Mrs. Julia A. Bacon. The deceased was the widow of the late H. D. Bacon, who died about 7 years ago, and since then has increased in valuation to \$207,222.

This is distributed equally between the three children of the deceased, Frank Bacon, Mrs. Ella Etta B. Soule, first wife of Professor Soule of the University of California, and George J. Bacon, who will, they each claim \$10,000, whereas they received only \$2,000.

SENT TO THE ASYLUM

Joseph D. Flannigan, formerly a stenographer in the employ of the late A. D. Wilder, superintendent of the Western division of the Southern Pacific Railroad Company, was committed to the insane asylum at Agnew this morning by Judge Ogden on the ground that it would be a menace to life to have him remain at large. He resided with his wife and sister, Mrs. Green, at 880 Isabella street. He had several times been taken to the insane asylum, and was an excessive cigarette smoker.

APPEAL IN LIVERMORE

LICENSE CASE ARGUED.

This morning an appeal in the case of J. Simons of Livermore was argued from the decision of the Recorder's court of the town, finding Simons guilty for failing to pay a certain license fee for the sale of mineral water.

WILL TRY TO KEEP

BOY OUT OF PRISON.

The mother of Leon Cavanski, one of the five San Francisco messenger boys charged with stealing bicycles, has decided to fight for her son's liberty. Today she employed Attorney W. H. O'Brien to defend him.

ROSETTA DAMON'S WILL FILED.

The will of Rosetta Damon has been filed for probate. It is holographic in character. Edward A. Damon and Mrs. Rosetta Damon are named as executor and executrix respectively, but Mrs. Rosetta declines to act. She asks for the appointment of her brother, Damon. The estate is valued at \$4,000.

LINDBLUM MUST ANSWER.

Judge Ogden issued an order today requiring Eric O. Lindblum, the Arctic millionaire, to file an answer to a complaint of his wife, Mary Ann Lindblum, for divorce on the ground of cruelty. The answer of a move of some kind on his part, ought to have been filed yesterday.

LICENSED TO MARRY.

Stanley Pates, Los Angeles, 25
Zora Lewis, Los Angeles, 24

GATES ON STREET CARS.

City Engineer Turner says he believes gates ought to be placed on street cars.

A ROW STOPS THE CONCERT.

RUSSO THE TENOR CREATES A SENSATION IN THE COLLEGE TOWN.

BERKELEY, March 21.—Last night a large and fashionable audience left the concert given in Shattuck Hall in doubt as to whether Russo, the fiery little brigadier in Carmen had been fighting with Signora Collamarini or whether they had both been scrapping with Alfred Wilkie, who was the empressario of the occasion, over the sordid question of salary. A long wait showed that there was a hitch somewhere, and subsequent developments showed that the crowd came to hear Russo and Collamarini sing some Chilli Colorado selections from Russo's passionate opera, although the rest of the program was filled with pleasing numbers to be rendered by excellent musicians.

When Mr. Wilkie announced that the selections from Carmen would be omitted there was a murmur of disappointment, which was charged to smothered ejaculations of indignation from the ladies.

"I regret to say that Signor Russo is fighting with Signora Collamarini, and for that reason their number will have to be omitted from the program," said Mr. Wilkie.

"That little man!" exclaimed a lady TWO S S
"But he sings just lovely," said another.

"Why don't she lick him—she's big enough!" said an unfeeling man.

In size Russo compared to the Signora as a yawl does to a launch.

Mr. Wilkie had just finished his announcement before the two sang with a fervor that gave no hint of a hostile encounter.

"I no fight Collamarini. Wilkie no pay us money, and for that we will not sing," said Russo.

Seeing that the audience was preparing to leave, Russo changed his mind and sang. "We will sing for Wilkie, but we will sing for Wilkie."

And so the audience heard Carmen after all. Collamarini showed no signs of punishment, and the two sang with a fervor that gave no hint of a hostile encounter.

Mr. Wilkie said the only question of payment arose over his proposition to give the two \$125 in cash and his note for \$25. They had been promised \$200, which the receipts did not justify.

PRESIDENT HOLT

SENDS RESIGNATION.

He Had Been the Leader of the Unitarian Club for Five Years.

ALAMEDA, Mar. 21.—At the meeting of the Unitarian Club last night some surprise was occasioned by the resignation of E. J. Holt as president. He had held the office for five years and said that it was time some new blood was instilled into the club's affairs. It was only a few months ago that Colonel Maslin resigned as vice-president, and last night the latter was chosen to succeed Holt as president. Charles C. Hughes was elected vice president and Henry Epstein was chosen a director to take the place in the board vacated by the Hon. J. H. Patterson.

Dr. Cheney of San Francisco delivered an address on the topic, "The Stomach at Peace and at War." Humorous readings by L. R. Hare and bass solos by William McDonald rounded out the evening's program.

TURNED HIM OUT

Poor Old Man Wants His Rich Wife to Support Him.

"She turned him out of the house, your honor, sick and penniless and almost left him to starve, when she is worth \$30,000."

Attorney Hewitt thus referred, before Judge Hall, today, to Mrs. Mary Callan, who is being sued by her husband, John Callan, for maintenance.

A demurrer was being argued. It held that the complaint was not sufficient as to the kind of Callan's illness, and when he suffered from it.

THE POLICE ARREST

TWO ARMY DESERTERS.

Fred B. Winn and Arthur C. Crutenden yesterday came to Oakland, when they met Policeman John Murray their evident desire to avoid him aroused his suspicions and he sent them to the city prison for an investigation. The men admitted that they had deserted from the Twenty-ninth Infantry stationed at the Presidio. The army officials have been notified.

NEW THEORY ON

Cause of Hay Fever.

Hay fever is not so much a result of climatic conditions as it is a showing of the "weak spot" in the general condition of the body. If a hay fever sufferer can be fed up to a prime condition of health by the use of well selected food the chances are hay fever will not present itself.

As an illustration, a lady in Cave Spring, Ga., explains how the change of food affected her. "This past summer I found myself in a very low state of health and much emaciated. I got down to 95 pounds and was worried, especially as I had to look forward to my annual tussle with hay fever in September, and felt it would push me even further down."

"One day a friend told me she had been using Grape-Nuts Breakfast Food and that she felt like a new person with it. I decided to try it and in a few days I was back to my normal weight and vigor. I grasped at the straw and began the use of Grape-Nuts. The effect was really magical. In a week I felt toned up and in two weeks began to gain flesh and strength. By September my weight had increased to 110 pounds and much to my amazement I discovered that when the hay fever sufferers began to complain I had not one symptom and escaped it altogether. Inasmuch as I had suffered for years from this miserable disease and had made no change except in my food, I naturally concluded that my improved condition was caused by the daily use of Grape-Nuts and by observing the laws of health."

Name can be given by Postum Co., Battle Creek, Mich.

Six Exclusive Novelties

in Spring neckwear are now on display in our windows. There are some novel stripes and figures, but the most original of all is perhaps a new serpent effect, with scales and changeable hue effect.

50c

also new lines at \$1.00.

H. J. Keller & Co.
LEADING LADIES' TAILORS
1157-1159 Washington Street
Also San Francisco.

HE LED A DUAL LIFE.

Police Trying to Connect a Man With the Chicago Robbery.

CHICAGO, March 21.—As a result of what seemed a common shooting yesterday the police have become exceedingly active today and are bending their energies to connect Hopkins, the injured man, with the \$76,000 postoffice robbery last summer.

Joseph Hopkins was shot by Dan Kiple, a nephew of former Chief of Police Kiple, and himself a former detective, yesterday in a flat occupied by Little Arlington, otherwise known as "Diamond Lili."

Kiple, who with the woman, is under arrest, pleads self-defense. Following the shooting it developed that Hopkins had been leading a Jekyll-Hyde existence. He was identified, according to the police, as a bank robber and burglar of national notoriety, but in Palos Park, where he had a cosy little home, it was found that he had a reputation as a giver to charities, a giver to the church and a man of standing in society. His wife's standing also was of the best, but when she was brought to the police station, Hopkins claimed to have recognized her as a woman they had known as "Blonde Marie."

PROTECT PRESIDENT.

Features of the Anti-Anarchist Bill Are Discussed in the Senate.

WASHINGTON, March 21.—The bill for the protection of the President then was taken up and Mr. Patterson of Colorado addressed the Senate.

He was in accord with the purpose of the bill so far as the President and Vice-President were concerned. The feature of the measure to which he was particularly opposed was the provision that the counselling and advising the murderer of the President was a crime.

In response to an inquiry by Mr. Patterson, Mr. Hoar declared his belief that one who advised or counselled the killing of the President was as guilty as the man who actually committed the crime.

MRS. BASHFORD SMITH BURIED.

The funeral of the late Mrs. Helen Bashford Smith was held this afternoon at her late home on Harrison street.

The services were conducted by the Rev. E. E. Baker of the First Presbyterian Church. There was no music.

STOLEN JEWELRY RECOVERED.

Several articles of jewelry, including a ring and a watch chain, recently stolen from the home of Julius Goll at 211 Broadway, have been recovered in Oakland. They were found by Detectives Holland and Sorensen in a second hand store conducted by B. Markowitz at 87 Seventh street. Judge Smith this morning restored the articles to the owner.

CHARGED WITH FELONY.

A complaint was issued today by Assistant District Attorney Walsh charging Theo. Lowe of Berkeley with obtaining money under false pretenses. He secured \$25 on a typewriter in which he had no interest and which was owned by Francis Ferris of that place.

Administrator's Account Challenged.

Edward Matthews, Josephine Kenna, Melissa Smith and Louise Meyers have filed an objection to the final account of the administrator of the estate of Wm. D. Matthews deceased. They claim that that officer has paid out money amounting to \$12,313, which is an improper charge on the estate.

Creamery Butter

—the kind that is shown by analysis to be absolutely pure. It is churned daily.

45c square

—full size, tastefully put up in cartons.

OAKLAND CREAM DEPOT
Telegraph Ave. and 18th Street.
Telephone Main 747.

LIQUOR LICENSES GRANTED BY COUNCIL.

Chief Hodgkins Makes Report on a Salon in West Oakland.

The City Council last evening granted permission to Cuddeyer & Cavanaugh to obtain a license to conduct a saloon at 1791 Seventh street. This action was taken upon a favorable report from Chief of Police Hodgkins, to whom it was referred. The report follows:

"Gentlemen: Regarding the protest against granting a liquor license to Cuddeyer & Cavanaugh to conduct a saloon at 1791 Seventh street, referred by your honorable body to me for a report, I respectfully beg leave to state that after careful investigation I find that there has never been any complaint made to the police office, nor to any officer on the beat where the saloon is conducted, of any fight, disturbance or violation of any law, since Cuddeyer & Cavanaugh have conducted it. They are punctual in closing it at midnight and conduct their places in an orderly manner as far as the officers are able to judge.

"The business men and residents in the neighborhood were interrogated with reference to the manner this saloon is and has been conducted, and we fail to find any that have complaint."

"Respectfully submitted,

"S. C. HODGKINS,

"Chief of Police."

The following applications for liquor licenses were favorably recommended at a subsequent meeting of the License Committee: Tossart & Company, 1177 Seventh street; Koenig & Company, 1143 East Fourteenth street; Klug & Silva, 751 Willow street; E. Arnold, 475 Seventh street; Nunes & Souza, 674 Broadway; D. J. Mullins, 1323 Broadway street.

REV. BRYAN CONE

BERKELEY, Mar. 21.—The Rev. J. T. Bryan, who gained much notoriety by his actions in the divorce case against his wife, has dropped his studies at the U. C. and has sailed for Japan.

ROBBED REGISTER

The well known fruit firm, Figohe & Grasso, at 408 Eighth between Broadway and Franklin streets, was robbed today, shortly before noon, by a person unknown. Something over \$40 was taken out of the cash register.

A GOLD WATCH STOLEN.

John Geary, the sewer contractor, left his vest hanging on a fence at Eighth and Union streets yesterday while he directed some work. When he again, but on the ground he found in his valuable gold watch, which he had left in the pocket, had been removed. The theft has been reported to the police.

A Few Pointers on Curtains

at the right prices

with a few quotations for Saturday

IMPORTED FRENCH NET CURTAINS.

4-inch Triple Hem, at.....\$2.50 per pair.

APPLIED CURTAINS.

In Galoon, Laces, etc., at.....\$3.75 per pair.

NOVELTY RUFFLED CURTAINS

(In Net Effects), at.....\$3.75 per pair.

RUFFLED SWISS CURTAINS

(In Striped and Dotted Designs), at.....50c, 60c, 75c and \$1.00 per pr.

CURTAIN NETS BY THE YARD

From 10c to \$1.25 per yard.

ALL CURTAINS AND BRASS HUNG FREE OF CHARGE.

Estimates and Designs furnished on all classes of Drapery Work.

—Cosy Corner Specialists.

The Curtain Store
PLUMMER & PEYTON
Fourteenth and Franklin. TELEPHONE MAIN 3086

NEWS OF THE COURTS.

B. H. Griffin, George S. Nalmsmith and E. D. Judge have been appointed appraisers of the estate of Celia M. Lindsay. Mary E. Foster has been granted a decree of divorce from John Henry Foster on the grounds of neglect and habitual intemperance.

Albert S. Woodbridge has brought suit to recover \$150 on a note given by Edward Ellmer and others.

DIED.

FINKELDEY.—In this city, March 20, 1902, Minnie Finkeldey, beloved wife of the late Henry Finkeldey and mother of Frederick, William, Edna Finkeldey and Mrs. Mary T. Beck and Mrs. Augusta Barckley, a native of Germany, aged 63 years and 19 days.

Friends and acquaintances are respectfully invited to attend the funeral on SUNDAY, March 23, 1902, at 1 P. M., from her late residence, 1110 Third street. Interment Mountain View Cemetery.

N. W. LEITCH

UNDERTAKER AND EMBALMER

Has purchased the business of the National Undertaking Co. and can now be found at his old stand, day or night, Cor. Eighth & Broadway, Oakland. Telephone Main 240.

Probate Notice.

In the Superior Court of the county of Alameda, State of California.

Notice is hereby given, that a petition for the probate of the will of Rosetta E. Damon (a widow), deceased, and for the issuance to Edward A. Damon of letters testamentary thereon, has been filed in this court, and that Friday, the 4th day of April, A. D. 1902, at 10 o'clock A. M. in the city of Oakland, in said county of Alameda, has been set for the hearing of said petition and for proving said will, when and where any person interested may appear and contest the same.

Dated March 21st, 1902.

FRANK C. JORDAN, Clerk.

EDWINSON & SHAW, Attorneys for Petitioner.

There's a Bustle to Our Business
IT'S WIDE AWAKE BROAD GAUGE, UP-TO-DATE SHOP KEEPING THAT'S DOING IT.
We turn Dull Days into Busy Ones

By bringing forth the good things and telling you about them, hardly a day passes but something that is good and at the same time very low priced does not arrive direct from the Eastern markets. Our New York buyer must be on the alert at all times for Snaps, no matter how large. We have inaugurated a series of Weekly Sales, commencing each Tuesday morning, which, if you'll watch them closely, you'll find will save you considerable money.

Tomorrow the 21st SALE.
Last Day of the 21st
28 Solid Windows on Eleventh St.
Devoted to the Sale of these Exceptional Bargains

Don't miss 'em. 12½ for values ranging from 15c to 50c.

Fancy Open work lawns for Waists and House Wrappers, 31 inches, 16½c value.....12½c
Dimity lawns in floral and stripe effects for street wear.....12½c
Fique for skirts with stripes and figures, just the thing for Summer wear, 20 and 25c value.....12½c
Striped linen Suitings, warranted to wash well, 20c value.....12½c
Madras Gingham, the always reliable wash goods for Children's dresses.....12½c
Black Brocade Dress Satens, fast black, 20c value.....12½c
Irish Dress lines, for street dresses, 18c value.....12½c
White Apron lawn, 40 in. wide with Satin border and open work, 18c value.....12½c
All linen Huck Towels, hemmed and ready for use.....12½c
Turkish toweling by the yard, 18 in. wide, will make towels or wash rags, 16½c value.....12½c
Hemstitched Pillow Cases, size 45x36, 20c value.....12½c
Linen fine Cambric for ladies' skirts, one yard wide, 20c value.....12½c
Turkey Red Table Damask, fast colors, 25c value.....12½c
Bleached Pillow Cases, 45 in. wide, good quality, free from dressing.....12½c
All linen twist Crash toweling, 18 in. wide, 16½c value.....12½c
Ladies' Fancy Hose, seamless double heel and toe; also drop stitch in fast black or tan, 25c and 35c grade.....12½c
Children's extra grade fast black seamless Hose, also fancy colors, imported, 25c and 35c grade.....12½c
Infants' and Misses' long sleeve Vests, a few sizes to close, 25c and 35c grade.....12½c
Ladies' fine quality sleeveless Vests, in white or colors, slightly soiled, 25c and 35c grade.....12½c
This line consists mostly of Sample Remnants, odds and ends, 25c to 35c value.....12½c
Silver and Celluloid Novelties, values 25c.....12½c

Genuine Imported Castile Soap, large 2 lb. bar, 25c value.....12½c
Cambric Embroidered Edging, 5 in. wide, the Irish Point effect, a limited quantity will be sold, regular 25c value.....12½c
Two toned Point Venice Lace, in the new effects, 5 in. wide, value 25c.....12½c
Ladies' hemstitched and embroidered edge Handkerchiefs, 25c value.....12½c
Men's Silk Neckwear, 25c value, Tecks, four-in-hands and bows.....12½c
Ladies' fancy Garters, all colors, 25c value.....12½c
Black Rubber Dressing Combs, 25c value.....12½c
Point Venice Lace, 7 to 9 inches wide, in butter color and cream and a good assortment of patterns, value 25c.....12½c
All pure silk black and cream Spanish Lace of heavy quality, 4½ in. wide, value 25c.....12½c
Point Venice Lace Insertion, 4 in. wide, in butter color, value 25c.....12½c
Black and cream all pure silk Chantilly Lace, 3 to 5 in. wide, value 25c.....12½c
Black Chatelaine Bags, 25c value.....12½c
38 in. wool finish Henrietta in black, 25c value.....12½c
36 in. fancy wool Plaids, 25c value.....12½c
27 in. wool Serges, in black only, 25c value.....12½c
36 in. wool finished Henrietta cloth, 25c value.....12½c
36 in. black Serges, 25c value.....12½c
CO-ED Shoe Polish, made especially for the CO-ED shoe, in black and tan, 25c value.....12½c
Ladies' long Shoe Laces in silk Mohair, 20c doz. value.....12½c
Brownie Lunch Boxes, 15 to 25c value.....12½c
Towel Racks, 15 and 25c value.....12½c
Chopping Bowls, 20 and 25c value.....12½c
Odds and Ends in Crockery, Glassware and Agate-ware, slightly imperfect, values 25 to 50c.....12½c

Easter Week Novelties

Next week will be devoted to the sale of high class Merchandise and exclusive Novelties at the Usual Salinger Way of Selling Goods—that is: always for a good deal less money than any other house can sell you the same class of goods for. This is made possible by our large buying and selling facilities. Commencing Monday a sale of high grade Silks at 48c and 98c yd., and also a sale of high grade Marysville Blankets, slightly imperfect. We are the exclusive Alameda County agents for this celebrated and popular make of Blanket. For further particulars of sale note Sunday's Examiner.

SALINGER'S Big Dep't Store.
S. W. COR. ELEVENTH AND WASHINGTON STREETS, OAKLAND, CAL.

BEST TONIC MADE
BACH'S
EXTRACT
MALT
Priced to \$2.25 pr doz.
AT
SGOOD'S
The Drug Cutter
AND BROADWAY, OAKLAND, CAL.

Whiskey
Malt Whiskey
A-1 Whiskey
75c.

Men's Furnishings SHIRTS

958-960 Washington Street, bet. 9th and 10th, Oakland

that Alec never seems a man
e ring out of condition.

G. T. FORSYTH,
D. E. & P. A. S. P. Co.

62 San Pablo Avenue, Oakland, CA 94612
EYES EXAMINED FREE

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